

BILL NO. Z-85- 08-35

ZONING MAP ORDINANCE NO. Z- Lish

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated a B-1-B (Limited Business) District under the terms of
Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot #9, except the West 320 feet of the North 75 feet
and the East 800 feet in Pavey Subdivision; Lot #9,
North 75 feet of West 320 feet of Pavey's Subdivision;
Lot #8, North 100 feet of South 200 feet of Pavey's
Subdivision; Lot #8, South 100 feet of Pavey's
Subdivision as recorded in the plat thereof in the
Office of the Recorder of Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. E-2, as established
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne,
Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the Mayor.

Charles B. Reed
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Bruce O. Boxberger
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd
seconded by Bradbury, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the Ci
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., E

DATE: 8-27-85
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd
seconded by Stier, and duly adopted, placed on its
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>7</u>	_____	<u>2</u>	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	<u>✓</u>	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 9-24-85
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE _____

I, ROBERT E. CONNOLLY, as Contract Purchaser under Contract for Conditional Sale of Real Estate ~~XXXX~~ between Kyle L. Howard, as Seller, and Robert E. Connolly, as Buyer, dated August 2, 1979, and recorded as Doc. #79-25166 on August 17, 1979, in the Office of the Allen County Recorder, do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~x/an~~ R-1 District to a ~~an~~ B-1-B District the property described as follows:

Lot No. 9 except the west 320 feet of the north 75 feet and the east 800 feet

in Pavey's Subdivision as recorded in the Plat thereof in the Office of the

Recorder of Allen County, Indiana. (See Reverse Side)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1413 Getz Road, Fort Wayne, Indiana 46804

1403 Getz Rd., Fort Wayne, IN 46804; 1219 Getz Rd., Fort Wayne, IN 46804;

1333 Getz Rd., Fort Wayne, IN 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Robert E. Connolly

1413 Getz Road

Robert E. Connolly

Fort Wayne, Indiana 46804

See Reverse Side

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Mr. Chris Traycoff
(Name)

202 West Berry Street
Fort Wayne, Indiana 46802
(Address & Zip Code)

(219) 423-4444
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

- 2.) Lot #9, North 75 feet of West 320 feet of Pavey's Subdivision as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana.
- 3.) Lot #8, North 100 feet of South 200 feet of Pavey's Subdivision as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana.
- 4.) Lot #8, South 100 feet of Pavey's Subdivision as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana.

Owners of Property

2.) Thomas Brewer, Jr.	1403 Getz Rd., Fort Wayne, IN	<i>Thomas J. Brewer Jr</i>
3.) Richard Kimmel & Eileen Kimmel	1219 Getz Rd., Fort Wayne, IN	<i>Richard E Kimmel</i> <i>Eileen Kimmel</i>
4.) Robert Dill & Hilda Dill	1333 Getz Rd., Fort Wayne, IN	<i>Robert J. Dill</i> <i>Hilda M. Dill</i>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 27, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-08-35; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 19, 1985; and,

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

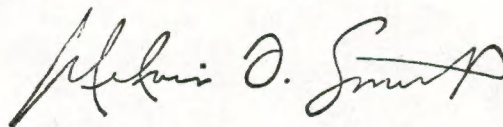
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1985.

Certified and signed this
4th day of September 1985.



Melvin O. Smith
Secretary

BILL NO. Z-85-08-35

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort

Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~)

YES

NO

CHARLES B. REDD
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

JAMES S. STIER

BEN A. EISBART

DONALD J. SCHMIDT

CONCURRED IN 9-24-85

Sandra E. Kennedy
SANDRA E. KENNEDY
CITY CLERK

RECEIPT

Ck # 124758

No 12054

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

7-16 1985

RECEIVED FROM

David Handy

\$

50.00

THE SUM OF

fifty & 00/100

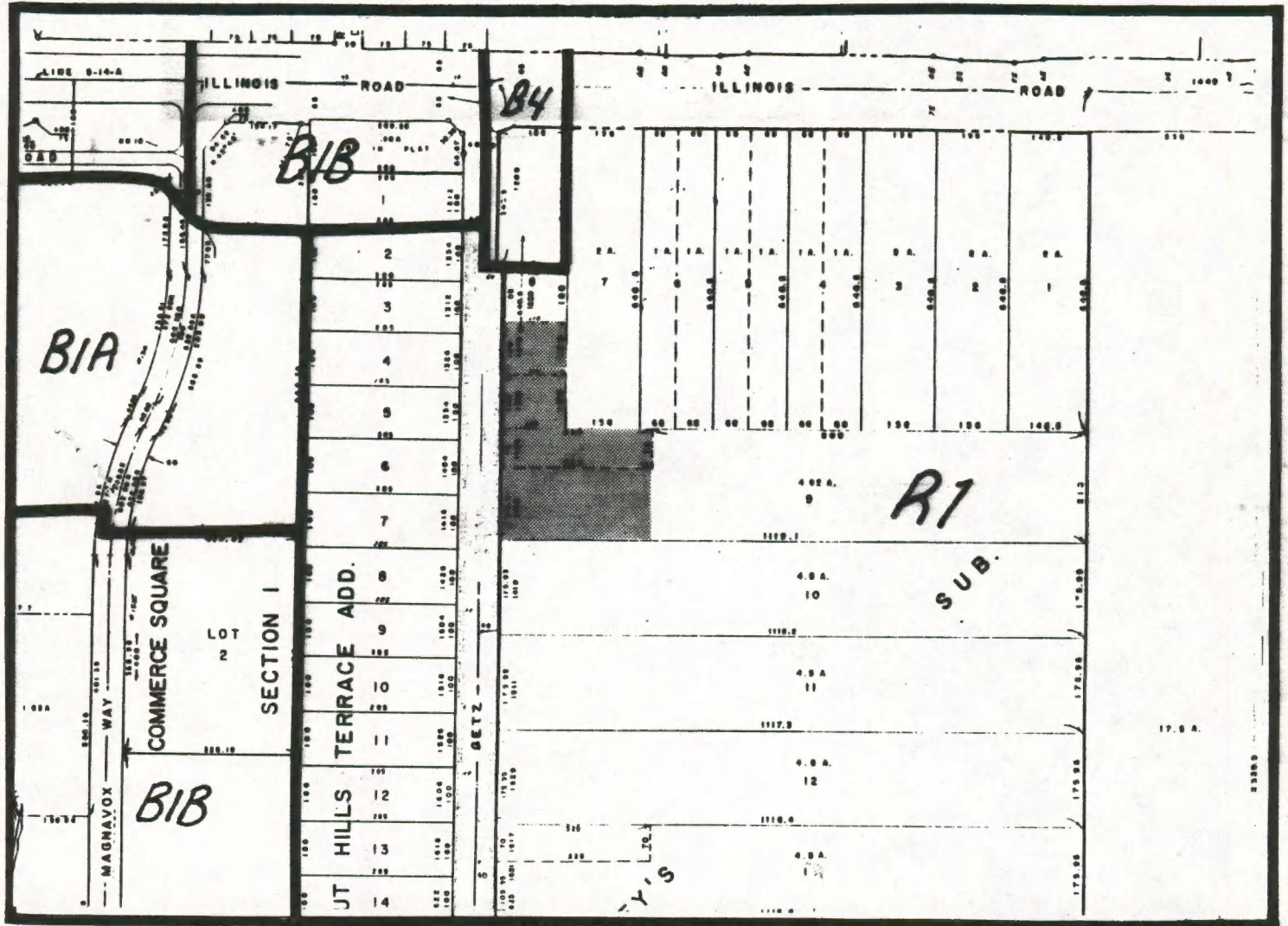
DOLLARS

ON ACCOUNT OF

1219; 1333; 1403; 1413 Betty Good

AUTHORIZED SIGNATURE

GENERAL LOCATION MAP FOR 1413 GETZ ROAD

Zoning:Land Use:

- R1 RESIDENTIAL DISTRICT
 BIB LIMITED BUSINESS 'B'
 BIA LIMITED BUSINESS 'A'
 B4 ROADSIDE BUSINESS

BILL NO. Z-85-08-35

Scale: 1" = 240'

85

Date: 7-30-85



FACT SHEET

Bill No. Z-85-08-35

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

DETAILS**Specific Location and/or Address**

1219; 1333; 1403 & 1413 Getz Road

Reason for Project

Rehab structure on 1413 Getz Road into a restaurant.

Discussion (Including relationship to other Council actions)

August 19, 1985 - Public Hearing

Robert Connolly, petitioner, stated that he did not feel that this would be spot zoning as was stated in the staff analysis. He pointed out the fact that the Commission had last month given a DO PASS recommendation to the north of this property on Illinois Road. He stated also that there is 440 feet along Getz Road that is already zoned B-4. He stated that the property in question is too small to be developed into multi-family and felt that if it went with out being rezoned it would be one spot surrounded by otherwise general commercial. He stated the use they intended would not have an adverse impact on the area.

Bob Johnson, potential purchaser of 1413 Getz Road stated that they are proposing a small continental type restaurant which would hold a maximum of 70 people. He stated the only change to the present structure would be the addition of a 22' x 30' addition for kitchen facilities.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s) Robert Connolly;
Thomas Brewer; Richard Kimmel
City Department Robt Dill

Other

Opponents**Groups or Individuals**

Westmoor Neighborhood Assn.

Basis of Opposition

-devalue property

-add to traffic problem

**Staff
Recommendation**☐ For☒ Against**Reason Against**

-spot zoning

-adverse impact on area

**Board or
Commission
Recommendation****By**☐ For☒ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Edith Kenna asked if they were only using the property at 1413 Getz Road why they had requested rezoning on the properties to the north.

Mr. Connolly stated he had spoken with staff and felt after speaking with them that it would look less like spot zoning if they included all of the properties.

Bob Craighead, 1518 Getz Road; Jane Seeberg, 1726 Getz Road; Howard Miller, 1529 Getz Road; Diane Noble, Pres., Westmoor Neighborhood Assn. appeared in opposition. The opposition stated that there was no need for a restaurant in the immediate area. They stated that the rezoning would be a detriment to the area, devaluing their property and adding to the traffic congestion. It was also pointed out that the property is in the Lawrence Drain and if the property to be rezoned they would like some consideration on the drain.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 August 1985 - Business Meeting

Motion to deny was made and carried. Of the nine members present 8 voted in favor of denial one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date July 16, 1985

Projected Completion or Occupancy

Date September 4, 1985

Fact Sheet Prepared by

Date September 4, 1985

Patricia Biancaniello

Reviewed by

Date

Larry Bacter

9 September 7, 1985

Reference or Case Number

DIGEST SHEET

ORIGINAL

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment 3.-85-08-25

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1219; 1333; & 1403 & 1413 Getz Road

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____
